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Attorney(s) for County of Monterey (a.k.a. Monterey County District Attorney's Office)

and Deputy District Attorney John Hubanks

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NATIONWIDE BIWEEKLY

ADMINISTRATION, INC., an Ohio Corporation;

LOAN PAYMENT ADMINISTRATION LLC, an

Ohio limited liability company; and DANIEL S.

LIPSKY, an individual;

Plaintiffs,

v.

JOHN F. HUBANKS, Deputy District Attorney,  
Monterey County District Attorney's Office, in his  
official capacity; ANDRES H. PEREZ, Deputy  
District Attorney, Marin County District Attorney's  
Office, in his official capacity; MONTEREY  
COUNTY DISTRICT ATTORNEY'S OFFICE, a  
County Agency; and MARIN COUNTY DISTRICT  
ATTORNEY'S OFFICE, a County agency,

Defendants.

Case No.: 5:14-CV-04420-LHK

**DEFENDANTS' JOINT REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
JOINT RULE 12(G) JOINING MOTION  
TO DISMISS**

Hearing Date:	October 1, 2015
Time:	1:30 p.m.
Judge:	Hon. Lucy H. Koh
Courtroom:	Courtroom #8, 4th
Address:	Floor 280 South First Street San Jose, CA 95113

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Defendants County of Marin, County of Monterey, Deputy District Attorney Hubanks, and Deputy District Attorney Perez, by and through their attorneys, hereby request the Court to take judicial notice, pursuant to Federal Rule of Evidence 201, of the following:

1. Exhibit 1: Records of the civil enforcement action against the Plaintiffs-Appellants in the instant action entitled *The People of the State of California v. Nationwide Biweekly Administration, et al.*, Alameda County Superior Court Case No. RG15770490

The Court may take judicial notice of matters that are either (1) generally known within the trial court's territorial jurisdiction or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b). Proper subjects of judicial notice when ruling on a motion to dismiss include legislative history reports, *see Anderson v. Holder*, 673 F.3d 1089, 1094, n.1 (9th Cir. 2012); **court documents already in the public record and documents filed in other courts**, *see Holder v. Holder*, 305 F.3d 854, 866 (9<sup>th</sup> Cir. 2002); and publically accessible websites, *see Caldwell v. Caldwell*, 2006 WL 618511, at \*4 (N.D. Cal. Mar. 13, 2006); *Wible v. Aetna Life Ins. Co.*, 375 F. Supp. 2d 956, 965-66 (C.D. Cal. 2005).

For the foregoing reasons, the Marin County Defendants respectfully request that the Court grant the Defendants' Request for Judicial Notice.

Dated: May 15, 2015

CHARLES J. McKEE, COUNTY COUNSEL

By: /s/ William Litt

WILLIAM M. LITT, Deputy County Counsel  
Attorneys for Defendants JOHN F. HUBANKS  
and the COUNTY OF MONTEREY

Dated: May 15, 2015

STEVEN M. WOODSIDE, COUNTY COUNSEL

By: /s/ Brian Case

BRIAN C. CASE, Deputy County Counsel  
Attorneys for Defendants Andres H. Perez and  
the COUNTY OF MARIN